

F - KYTE

PHILIP MORRIS MANAGEMENT CORP. INTER-OFFICE CORRESPONDENCE
120 PARK AVENUE, NEW YORK, N.Y. 10017

TO: Please see below

FROM: Fredric S. Newman

SUBJECT: Litigation

DATE: March 24, 1989

This afternoon in the Kyte case, a hybrid smoking and health case in a local court in Boston alleging violations of the Massachusetts Sales to Minors Act and resulting addiction of a minor, Judge Hallisy rendered an oral summary judgment in favor of the minor plaintiff against Philip Morris. The substance of the motion, presented by Philip Morris, had been to dismiss Philip Morris from the case because the minor plaintiff purchased cigarettes from an independent retailer. We think that the Judge intended to rule that Philip Morris should not be dismissed from the case. However, his oral decision appears broader.

A written order is to be submitted to the Court and there will be further proceedings as to its form and substance next week.

If the adverse determination is maintained, the decision will be appealed.

tb

cc: M. H. Bring, Esq.
D. Fried, Esq.
A. Holtzman, Esq.
M. W. Verscaj, Esq.

Distribution:

V. Buccellato
D. E. R. Dangoor
E. Houminer
M. Kenny
J. A. Kochevar
F. J. Laux
E. Merlo
H. Millington
F. E. Resnik
T. Ricke
M. A. Serrano
G. L. Smith
H. G. Steele
M. Taylor

2024973622